

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN DALE PREACHER,	)	
	)	
Plaintiff,	)	Civil Action No. 19-1207
	)	
v.	)	Judge Cathy Bissoon
	)	Magistrate Judge Richard A. Lanzillo
CORRECT CARE SERVICES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

This case has been referred to United States Magistrate Judge Richard A. Lanzillo for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On January 29, 2021, the Magistrate Judge issued a Report (Doc. 207) recommending that the Motion to Dismiss (Doc. 125) filed by Defendant Dr. Kross be granted in part and denied in part. Service of the Report and Recommendation (“R&R”) was made on the parties, and Plaintiff has filed Objections and Defendant Dr. Kross responded to those objections. *See Docs. 211, 216.*

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following Order is entered: the Motion to Dismiss (Doc. 125) filed by Defendant Dr. Kross is **GRANTED IN PART** and **DENIED IN PART**, as follows. The motion is denied as to Counts 49, 50, and 51, and Plaintiff’s Eighth Amendment deliberate indifference claims against Defendant Dr. Kross will be permitted to move forward. On the other counts, Defendant’s Motion is granted. Accordingly, Plaintiff’s claims against Defendant Dr. Kross for retaliation (Count 52) and, to the extent

Plaintiff alleges state law negligence, are dismissed with prejudice, and the R&R is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

March 8, 2021

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via ECF email notification):

All Counsel of Record

cc (via U.S. Mail):

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